

FILED

JUN 16 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LUIS ALBERTO RUBIO-GIL,

Defendant - Appellant.

No. 05-30059

D.C. No. CR-04-00157-LRS

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of Washington
Lonny R. Suko, District Judge, Presiding

Submitted June 12, 2006^{**}

Before: FERNANDEZ, KLEINFELD, and BERZON, Circuit Judges.

Luis Alberto Rubio-Gil appeals from the district court's judgment and 60-month sentence imposed following his guilty-plea conviction for distribution of 500 grams or more of cocaine, in violation of 21 U.S.C. § 841(a)(1).

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Rubio-Gil's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. Rubio-Gil filed a *pro se* supplemental brief. The Government did not file an answering brief.

Our independent review of the briefs and the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no grounds for relief on direct appeal.

Accordingly, counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.